

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

PAUL LEONARD AND JULIE LEONARD

PLAINTIFFS

V.

CIVIL ACTION NO. 1:05CV475 LTS-RHW

NATIONWIDE MUTUAL INSURANCE COMPANY

DEFENDANT

**ORDER DENYING AS MOOT MOTIONS IN LIMINE  
CONCERNING EXCLUSION OF THE TESTIMONY OF CERTAIN WITNESS**

At the per-trial conference, the parties reached a compromise agreement resulting in the withdrawal of the parties' motions to strike certain witnesses. This has rendered these motions to strike moot. Plaintiffs have also withdrawn two motions to exclude the testimony of certain fact witnesses. These motions are therefore also moot.

With respect to the motions to strike that are concerned with the two experts, Rocco Calaci and Tim Marshall, the parties have agreed that each side will have an opportunity to take a follow-up deposition from the opposing expert.

Plaintiffs have agreed to produce Mr. Calaci's working file, to the extent it contains any non-privileged documents that have not already been produced, and Plaintiffs have agreed to identify which documents previously produced have been relied upon by Mr. Calaci in forming his opinions (thereby also identifying those documents upon which Mr. Calaci did not rely).

Defendant has agreed to produce Mr. Marshall's working file, to the extent it contains any non-privileged documents that have not already been produced.

Both parties have agreed to produce the working files for all of the other expert witnesses, to the extent any such working file contains any non-privileged documents that have not already been produced.

Accordingly, based upon these agreements, it is hereby **ORDERED**

That the plaintiffs' motion to strike Tim Marshall [131] is hereby **DENIED AS MOOT**;

That the defendant's motions to strike Rocco Calaci [113] [121] are hereby **DENIED AS MOOT**;

That the plaintiffs' motion to exclude the testimony of Jeffrey Gilbert and Duane Collins [128] is withdrawn and is hereby **DENIED AS MOOT**; and

That the plaintiffs' motion to exclude the testimony of Jay Fletcher [129] is withdrawn and is hereby **DENIED AS MOOT**.

**SO ORDERED** this 27<sup>th</sup> day of June, 2006.

*s/ L. T. Senter, Jr.*

L. T. Senter, Jr.  
Senior Judge